

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN – SOUTHERN DIVISION

DENNIS PERSON,

Plaintiff

-vs-

Case No.
Hon.

MIDWEST EQUITY SOLUTIONS, INC.,

Defendant

COMPLAINT & JURY DEMAND

Dennis Person states the following claims for relief:

INTRODUCTION

1. Personal financial information may reveal the most private details of a consumer's lifestyle or mode of living, and any improper use constitutes an invasion of privacy of the consumer. As the banking and credit industries have developed systems and computer databases for legitimate, authorized and convenient access to this private, financial information, it has become, as a consequence, more convenient for people and companies with no legitimate reason to illegally invade a person's privacy by impermissible access to consumer credit histories.
2. While there is a legal duty for users of private, financial information to access it only for legal reasons, the credit bureaus have a coinciding duty to make sure that widespread invasions of privacy do not occur by implementing specific procedures to prevent illegal, impermissible or capricious "credit pulls". The improper access of a person's credit report is a substantial invasion of privacy and the use of this credit information can lead to one of the most pernicious phenomena of the electronic age, credit or identity theft.

3. At the heart of this lawsuit is the illegal use and access of Mr. Person's credit report by Midwest Equity Solutions, Inc. and the impermissible access to this private information granted to Midwest Equity Solutions, Inc. by Experian Information Solutions, Incorporated .
4. The Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq* restricts access and use of credit reports. This statute provides an exhaustive list of the permissible purposes and prescribes criminal penalties as well as civil for the unlawful access and use of these reports.
5. Users of this credit information like Midwest Equity Solutions, Inc. are subject to the FCRA when they access reports and are under the highest duty to prevent unauthorized access by their agents as well as to prevent use of the information which is obtained illegally.
6. The FCRA expressly provides consumers with a private cause of action against the party illegally accessing the private information For violations of these privacy provisions of 15 U.S.C. § 1681b, this impermissible access provision is enforceable via 15 U.S.C. § 1681n and 15 U.S.C. § 1681o, depending on whether the violation is found to be wilful or merely negligent.

PARTIES

7. Dennis Person, resides at 6828 Devonshire Drive, Canton, MI in Wayne County and is the Plaintiff to this lawsuit. Dennis Person is a consumer as defined by the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq* ("FCRA") at §1681a(c).
8. Midwest Equity Solutions, Inc. ("MES") is a user of credit of information as defined by the Fair Credit Reporting Act ("FCRA") 15 U.S.C. §1681 *et seq.* and is a business located at 26917 Bookpark Rd. Ext, North Olmsted, OH 44070. MES does business in Michigan.

JURISDICTION

9. This lawsuit, being brought pursuant to 15 U.S.C. § 1681 *et seq*, presents a federal question and as such, jurisdiction arises under 28 U.S.C. §1331 and 15 U.S.C. §1681 *et seq*.

FACTUAL ALLEGATIONS

10. MES received and used a copy of Mr. Person's consumer report containing specific information relating to his mortgage and credit card balances and payments.
11. As a prerequisite to obtaining that consumer report, MES was required to certify to Experian Information Solutions, Incorporated – the credit reporting agency from which the report was obtained – that MES had a permissible purpose under the FCRA for accessing and using the consumer report.
12. MES did not have a permissible purpose for the access and use of the report as set forth in 15 U.S.C. § 1681b.
13. As a direct and proximate cause, Mr. Person has suffered an unwarranted invasion of his privacy, which may expose him to additional improper uses of the credit report or his personal identification information.

COUNT I -- Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq*. (MES)

14. Mr. Person incorporates the preceding allegations by reference.
15. MES negligently caused the impermissible access and use of Mr. Person's credit report in violation of 15 U.S.C. § 1681b and 15 U.S.C. § 1681o; alternatively MES intentionally caused the impermissible access and use of Mr. Person's credit report in violation of 15 U.S.C. § 1681b and 15 U.S.C. § 1681o.

JURY DEMAND

16. Mr. Person demands trial by jury.

RELIEF REQUESTED

17. *ACCORDINGLY, Mr. Person respectfully requests that this Court Grant the following relief:*

- a. Actual damages.*
- b. Punitive damages.*
- c. Statutory damages.*
- d. Costs and attorney fees.*

Respectfully Submitted,

LYNGKLIP & ASSOCIATES
CONSUMER LAW CENTER, PLC

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